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09/414,507	10/08/1999	RYUICHI SHIOHARA	Q56144	3387

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EXAMINER

TRAN, NHAN T

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 06/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/414,507

Applicant(s)

SHIOHARA ET AL.

Examiner

Nhan T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 October 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5 & 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Drawings*

1. Figure 10 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to because Figures 2(a) to 2(c) do not show block description for each component; for example, element 4 should be labeled as control section, element 8 should be labeled as recording medium controller, etc... A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 7 – 12 & 17 – 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Steinberg et al (US 6,006,039).

Regarding claim 11, Steinberg discloses a digital camera (10) for recording image data by converting an image pickup light photoelectrically (see Figs. 1 & 4; col. 1, lines 27-29), comprising:

external program reception means (16 or 18 or 20) for receiving a program recorded on an external recording medium (PC 14), which is connected thereto exchangeably, to store the program into a recording medium (126) provided thereon (see Figs. 1, 2 & 4; col. 4, lines 16-38; col. 5, lines 16-58);

execution control means for reading out the program from the recording recording medium (126) at a desired time to execute the read out program (see col. 4, lines 40-44; col. 7, lines 14-19).

Regarding claim 12, the claimed limitations are analyzed with respect to claim 11. In addition, the communication line (cable 30) is also used for transferring data from a computer to the camera (see Fig. 1; col. 3, lines 54-56).

Regarding claim 17, the program is a communication program for communicating data with a terminal device connected to the communication line (see col. 4, lines 49-52).

Regarding claim 18, the claimed limitation is analyzed with respect to claim 17.

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Regarding claim 19, Steinberg discloses that the image data is recorded onto the recording medium provided thereon (see col. 7, lines 10-20).

Regarding claim 20, the claimed limitation is analyzed with respect to claim 19.

Regarding claim 1, the claimed limitations are analyzed with respect to claim 11.

Regarding claim 2, the claimed limitations are analyzed with respect to claim 12.

Regarding claims 7 & 8, the claimed limitations are analyzed with respect to claim 17.

Regarding claims 9 & 10, the claimed limitations are analyzed with respect to claim 19.

4. Claims 1 – 6 & 11 – 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Ogawa et al (JP-09-046577).

Regarding claims 11 & 12, Ogawa discloses a digital camera (10a or 40) for recording image data by converting an image pickup light photoelectrically (see Figs. 1 & 4), comprising:

external program reception means (19) for receiving a program recorded on an external recording medium (10b), which is connected thereto exchangeably, to store the program into a recording medium (buffer) provided thereon; and execution control means for reading out the

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program from the recording recording medium at a desired time to execute the read out program (see Figs. 1-4; abstract; page 3, paragraph [0020] to paragraph [0024]).

Regarding claims 13 & 14, Ogawa teaches program deleting means for deleting a desired program from recording medium provided therein (see page 3, paragraph [0024] for elimination function of program stored in the buffer).

Regarding claims 15 & 16, Ogawa teaches the program is a program for generating print image data, and print data transmitting means for transmitting the print image data generated by executed the program to a printing device (see Fig. 4; page 3, paragraph [0023]).

Regarding claims 1 & 2, the claimed limitations are analyzed with respect to claims 11 & 12.

Regarding claims 3 & 4, the claimed limitations are analyzed with respect to claims 13 & 14.

Regarding claims 5 & 6, the claimed limitations are analyzed with respect to claims 15 & 16.

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*Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 4, 13 & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al (US 6,006,039).

Regarding claim 13, although Steinberg does not expressly disclose program deleting means for deleting a desired program from the recording medium provided thereon, Steinberg teaches that the camera memory can be any form of programmable memory, such as RAM, CMOS, disks which are erasable memories (Figs. 2 & 4; col. 5, lines 53-58). It would be obvious to provide program deleting means for deleting a program that would not be used for a long period of time to save the memory space for other programs to be installed because such memory management would enhance the flexibility of the programmable camera.

Therefore, it would have been obvious to one of ordinary skill in the art to provide the digital camera in Steinberg with program deleting means deleting a program that would not be used for a long period of time to save the memory space for other programs to be installed, thereby to enhance the flexibility of the programmable camera.

Regarding claim 14, the claimed limitation is analyzed with respect to claim 13.

Regarding claims 3 & 4, the claimed limitations are analyzed with respect to claim 13.

6. Claims 5, 6, 15 & 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steinberg et al (US 6,006,039) in view of Ogawa et al (JP 09-046577).

Regarding claim 15, Steinberg does not teach that the program is program for generating print image data and print data transmitting means for transmitting the print image data generated by executing the program to a printing device. However, Ogawa teaches an image pickup equipment (40) that downloads a printer driver program from a computer or a remote control, and by transmitting the image data photographed to the printer driver to a printer (42), it becomes possible to perform direct printing of image to the printer from the image pickup equipment (see Figs. 1 & 4; page 3, paragraph [0023]).

Therefore, it would have been obvious to one of ordinary skill in the art to download a printer driver program from a computer to the camera via a communication line and then to execute the program so that it becomes possible to perform direct printing of image to the printer from the image pickup equipment.

Regarding claim 16, the claimed limitations are analyzed with respect to claim 15.

Regarding claims 5 & 6, the claimed limitations are analyzed with respect to claim 15.



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***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (703) 605-4246. The examiner can normally be reached on Monday - Thursday, 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B Christensen can be reached on (703) 308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

NT.  
June 10, 2003



ANDREW CHRISTENSEN  
SUPERVISORY PATENT EXAMINER  
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